

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 943 - SB 1469

March 27, 2011

SUMMARY OF BILL: Requires Local Education Agencies to determine the citizenship and immigration status of each student at the time of enrollment in the district or school. Requires the Commissioner of Education to provide data to the Speaker of the House of Representatives and the Speaker of the Senate regarding the citizenship or immigration classification of students, students enrolled in bilingual education, and the impact of enrollment of unauthorized aliens. Prohibits the disclosure of information that personally identifies a student except as authorized under federal law. Requires health care facilities to determine the citizenship and immigration status of each patient prior to receiving direct care. Requires the Commissioner of Health to provide data to the Speaker of the House of Representatives and the Speaker of the Senate regarding the citizenship or immigration classification of patients. Prohibits the disclosure of information that personally identifies a patient except as authorized under federal law.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – \$40,000/Recurring

**Increase State Expenditures – \$78,800/One-Time
\$282,300/Recurring**

Other Fiscal Impact – The Emergency Medical Treatment and Active Labor Act prohibits the delay of emergency medical care. According to the Department of Health, various federal funding and federal programs could be jeopardized if the law is determined to be in noncompliance with federal law.

Assumptions:

- According to the Office of Vital Records in the Department of Health, an additional 5,000 requests for birth certificates will be made each year. A recurring increase in state revenue of \$40,000 from birth certificate fees (\$8 fee x 5,000 requests).
- One additional employee will be required to handle the increased requests for birth certificates; three additional employees will be required to collect, analyze, and compile data from over 2,500 facilities and over 1,000,000 admissions annually into a report. A recurring increase in state expenditures of \$282,320 (\$162,900 salaries + \$59,120 benefits + \$60,300 operational). A one-time increase in state expenditures for these positions and for implementation of the bill will be \$78,800.

HB 943 - SB 1469

- According to the Department of Education, collecting data and compiling a report can be done within existing resources without an increased appropriation or reduced reversion.
- Federal law authorizes state and local government agencies to share immigration status information with immigration enforcement authorities, however, denying a student an education based on immigration status is prohibited by federal law. According to the Department of Education, prohibiting enrollment for not providing documentation of immigrant status would violate federal law as outlined in Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982). This bill does not specify the consequences for failure to submit documentation and does not specify the required official documentation for an unauthorized alien to submit.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/jaw